IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE D.S.R.VARMA**

**WRIT PETITION NO : 7782 of 2005**

Between:

1. G. Ramesh Goud S/o. Malla Goud (Toddy Tapper (licence No.124/1)
   Both R/o. Kodipaka Village, Kogzmaddoor (P) Hatnoor Mandal, Medak District.
2 Ella Goud S/o. Malla Goud
   Both R/o. Kodipaka Village, Kogzmaddoor (P) Hatnoor Mandal, Medak District

**..... PETITIONERS**

AND

1 The Superintendent, Prohibition and Excise, Sangareddy,
   Medak District.
2 B. Bala Goud, Yellammagudem Post And Village, Hatnoor Mandal, Medak District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records from the Respondents herein by issuing a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus by declaring the action of the 1st Respondent in not conducting enquiry in pursuance of representations dt. 30-3-2005 as illegal, arbitrary, contrary to the principles of natural justice and in violation of Article 14, 21 of the Constitution of India and consequently direct the respondents to consider the representations of the petitioners herein by conducting enquiry before granting TFT licence to the 2nd Respondent in respect of Kodipaka Village and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

**Counsel for the Petitioners: MR.P.SRIDHAR RAO**

**Counsel for the Respondent No.1 : GP FOR PROHIBITION & EXCISE**

**The Court at the stage of admission made the following :**

***ORAL ORDER***:

Heard both sides. Perused the material placed before me.

Petitioners claim to be the existing T.F.T. licencee of Kodipaka Village, Hatnoor Mandal, Medak District. According to them, the second respondent has applied to the first respondent for grant of T.F.T. licence, though he is not resident of the said village and do not hold the requisite qualifications. They claim to have submitted representation dated 30-3-2005 to the first respondent, opposing grant of licence to the second respondent. Apprehending that their objections may not be considered, they filed the present writ petition.

The grant of T.F.T. licences to eligible persons is governed by the Andhra Pradesh Excise Act and the Rules made thereunder. The Government also issues policy dealing with this aspect, year after year. The question as to whether the second respondent fulfill the qualifications for being granted T.F.T. licences, cannot be decided by this Court, at this stage. It is for the first respondent to consider the same. The petitioners said to have made a representation raising objections to the application said to have been made by the second respondent.

Hence, the writ petition is disposed of directing that the first respondent shall take into account the representation dated 30-3-2005 said to have been made by the petitioners while considering the applications of the second respondent for grant of T.F.T. licence. To avoid further complications, it is directed that the petitioner shall enclose copies of the representation to the copy of the order in this writ petition. No order as to costs.

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08-04-2005

*Note:*

*Issue CC in two days.*

*B/0* ***KVSN***

**To**

1 The Superintendent, Prohibition and Excise, Sangareddy,
Medak District.
2 B. Bala Goud, Yellammagudem Post And Village, Hatnoor Mandal, Medak District.

3 Two CCs to GP for Proh. & Excise, High Court buildings, Hyderabad.

4 Two CD copies.